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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. CR 10-0495 JF
14 Plaintiff,)
15 v.) STIPULATION AND [PROPOSED] ORDER
16 SHAWN HOGAN,) DOCUMENTING EXCLUSION OF TIME
17 Defendant.)
18 _____)

19 With the agreement of the parties in open court on September 9, 2010, and with the
20 consent of the defendant Shawn Hogan (“defendant”), the Court enters this order (1) setting a
21 hearing on November 18, 2010, at 9:00 a.m.; and (2) documenting the exclusion of time under
22 the Speedy Trial Act, 18 U.S.C. § 3161, from September 9, 2010 to November 18, 2010. The
23 Court finds and holds as follows:

24 1. The parties appeared before the Court on September 9, 2010. At that appearance,
25 the parties informed the Court that the government had produced some discovery to the
26 defendant, and that additional discovery (including electronic discovery) was still forthcoming.
27 Counsel for the defendant will need additional time to review the discovery that has been and
28 will be produced and to investigate the case. Continuing the defendant’s appearance until
November 18, 2010 will give the defense an opportunity to accomplish this objective.

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2. The Court finds that, taking into the account the public interest in the prompt disposition of criminal cases, granting the continuance until November 18, 2010 is necessary for effective preparation of defense counsel. See 18 U.S.C. § 3161(h)(7)(B)(iv). Given these circumstances, the Court finds that the ends of justice served by excluding the period from September 9, 2010 to November 18, 2010 outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(7)(A).

3. Accordingly, and with the consent of the defendant, the Court (1) sets a hearing on November 18, 2010, at 9:00 a.m.; and (2) orders that the period from September 9, 2010 to November 18, 2010 be excluded from Speedy Trial Act calculations under 18 U.S.C. §§ 3161(h)(1)(D) and 3161(h)(7)(A) and (B)(iv).

SO STIPULATED.

DATED: September 20, 2010

MELINDA HAAG
United States Attorney

KYLE F. WALDINGER
Assistant United States Attorney

DATED: September 20, 2010

IT IS SO ORDERED.

DATED: September 23, 2010

JEREMY FOGEL
United States District Judge

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